

LPDES PERMIT NO. LA0002895, AI No. 1316

LPDES STATEMENT OF BASIS
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

- I. **Company/Facility Name:** Andino Sugar Development, LLC
Iberia Sugar Factory
Post Office Box 229
Lacassine, Louisiana 70650
- II. **Issuing Office:** Louisiana Department of Environmental Quality
(LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
- III. **Prepared By:** Sonja Loyd
Industrial Permits Section
Water Permits Division
Phone #: 225-219-3090
E-mail: sonja.loyd@la.gov
- Date Prepared:** December 8, 2009
- IV. **Permit Action/Status:**
- A. **Reason For Permit Action:**
- Proposed reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.
- LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.
- 40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301, 4901, and 4903.
- B. **LPDES permit -** LPDES permit effective date: September 1, 2004
LPDES permit expiration date: August 31, 2009
EPA has not retained enforcement authority.
- C. **Application received on June 2, 2009**
- V. **Facility Information:**
- A. **Location -** 901 Sugar Mill Road in New Iberia, Iberia Parish
(Latitude 30°01'12.41", Longitude 91°49'4.65")

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B. Applicant Activity -

According to the application, Andino Sugar Development, LLC, Iberia Sugar Factory, is a closed raw cane sugar mill which formerly produced raw sugar and blackstrap molasses. To date, this facility has not processed sugarcane subsequent to the 2004 grinding season and has not had a discharge since June 2005.

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

Guideline

Reference

Raw Cane Sugar Processing

LAC 33:IX.707.D.2

Other sources of technology based limits:

Current LPDES permit (effective September 1, 2004)

Bayou Teche Watershed TMDL for Dissolved Oxygen including WLAs for Twenty-Two Facilities and Addressing Nutrients (finalized February 25, 2000)

Best Professional Judgement

D. Fee Rate -

1. Fee Rating Facility Type: Minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 2061

VI. Receiving Waters:

STREAM - Bayou Teche via local drainage

BASIN AND SUBSEGMENT - Vermilion-Teche Basin, Subsegment No. 060401

DESIGNATED USES - a. primary contact recreation
 b. secondary contact recreation
 c. fish and wildlife propagation

VII. Outfall Information:

Outfall 007

- A. Type of wastewater - treated process wastewater, sanitary wastewater, and stormwater from the #7 containment pit
- B. Location - at the point of discharge from the #7 containment pit prior to combining with other waters at Latitude 30°01'06", Longitude 91°49'08".

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- C. Treatment - treatment of these wastewaters consists of:
 - sedimentation
 - septic tanks (sanitary wastewater only)
- D. Flow - Seasonal, (Max 30-Day) 1.3104 MGD (based on pump capacity)
- E. Receiving waters - Bayou Teche via local drainage
- F. Basin and subsegment - Vermilion-Teche Basin, Subsegment No. 060401

VIII. Proposed Permit Limits:

Summary of Proposed Changes From the Current LPDES Permit:

- A. On November 20, 2006, the permittee had a name change and transfer of ownership from Iberia Sugar Cooperative, Inc. to Andino Sugar Development, LLC.
- B. According to the current permit, this permittee is subject to the guidelines cited at LAC 33:IX.707.D.3 in the Water Quality Regulations. However, in keeping with the standard practices for establishing limits for conventional pollutants in permits, the guidelines cited at LAC 33:IX.707.D.2 will be applied in the draft permit.
- C. The monthly average and daily maximum monitoring requirement for Total Copper will be removed from the draft permit since Subsegment No. 060401 is no longer listed as being impaired with this pollutant.
- D. The provision in Part II.L which required the permittee to comply with an annual average BOD₅ discharge limit will be removed from the draft permit. This limit and the associated reporting requirements will not be included since the proposed monthly average technology-based mass limit will always be more stringent than the annual average mass limit based on 40 CFR 409, Subpart D.
- E. The permittee certified that there are no industrial activities being performed at the facility which could impact stormwater runoff by its submittal of a No Exposure Certification For Exclusion From LPDES Storm Water Permitting Form. Therefore, the standard stormwater language which requires the permittee to review and update its Stormwater Pollution Prevention Plan will be removed from the draft permit. However, a Part II requirement will be added requiring the permittee to apply for a permit modification should industrial activities resume at this location.
- F. The provision in the Part II conditions that required submittal of DMRs to the Acadiana Regional Office will be removed from the permit

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since all DMRs sent to the Office of Environmental Compliance/Permit Compliance Unit are now scanned into Electronic Document Management System (EDMS) which is accessible to all LDEQ personnel.

IX. Permit Limit Rationale:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

1. Outfall 007 - treated process wastewater, sanitary wastewater, and stormwater from the #7 containment pit

Andino Sugar Development, LLC, Iberia Sugar Factory is subject to Best Practicable Control Technology Currently Available (BPT) and Best Conventional Pollutant Control Technology (BCT) effluent limitation guidelines listed below:

Manufacturing Operation

Guideline

Raw Cane Sugar Processing

LAC 33:IX.707.D.2

PARAMETER(S)	MASS, LBS/DAY unless otherwise stated		CONCENTRATION, MG/L unless otherwise stated		MEASUREMENT FREQUENCY (*1)
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow, MGD	Report	Report	---	---	1/day
BOD ₅	150	300	---	---	1/week
TSS	480	1,440	---	---	1/week
Dissolved Oxygen	---	---	4 (Avg)	3 (Min)	1/week
pH (Standard Units)	---	---	6.0 (Min)	9.0 (Max)	1/week

(*1) When discharging.

Site-Specific Consideration(s)

Flow - monitoring requirements are established in accordance with LAC 33:IX.2707.I.1.b. These requirements are consistent with the current permit.

BOD₅ and TSS - mass limits in the current permit are based on the Water Quality Regulations cited at LAC 33:IX.707.D.2.b using the production rate from the 1997 Statement of Basis. The calculations are provided below:

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Production rate: 6,000 tons/day

Based on this information, the mass limits were calculated using the following equation:

Production Rate (tons/day) * Production-Based Factor (lbs/ton) =
mass limit (lbs/day)

BOD₅ Limits

Daily Maximum

6,000 tons/day * 0.05 lbs/ton = 300 lbs/day

Monthly Average

6,000 tons/day * 0.025 lbs/ton = 150 lbs/day

TSS Limits

Daily Maximum

6,000 tons/day * 0.24 lbs/ton = 1,440 lbs/day

Monthly Average

6,000 tons/day * 0.08 lbs/ton = 480 lbs/day

The mass limits for BOD₅ were retained in the current permit as a result of the *Bayou Teche Watershed TMDL for Dissolved Oxygen including WLAs for Twenty-Two Facilities and Addressing Nutrients* which was finalized on February 25, 2000. Based on the TMDL assessment, no reductions from the permittee's discharges were required. Therefore, it was assumed that the permittee may continue to discharge under their current limits and not cause any adverse effects on the water quality of the receiving stream. These limits will be continued in the draft permit.

DO - limits are by BPJ using the current permit.

pH - limits are established in accordance with LAC 33:IX.1113.C.1. These requirements are consistent with the current permit.

TMDL Waterbodies

Subsegment No. 060401 of the Vermilion-Teche Basin is not listed on the 2006 Final Integrated 303(d) List as impaired since the all of the Total Maximum Daily Loading (TMDL) assessments have been completed for this subsegment. The pollutants of concern were Phosphorus, Nitrogen (Nitrate + Nitrite as N), Organic Enrichment/low Dissolved Oxygen (DO), Pathogen Indicators, Suspended Solids/Turbidity/Siltation, and Carbofuran. However, Phosphorus and Turbidity were delisted as pollutants of concern. The remaining pollutants have been addressed in the following TMDL assessments: (1) *Bayou Teche Watershed TMDL for Dissolved Oxygen including*

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WLAs for Twenty-Two Facilities and Addressing Nutrients (finalized February 25, 2000); (2) TMDL for TSS, Turbidity, and Siltation for the Bayou Teche Watershed (finalized May 2, 2002); (3) Bayou Teche TMDL For Fecal Coliform (finalized April 5, 2001); and (4) TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins (finalized March 21, 2002). A summary of the findings from these TMDL assessments was documented in the 2004 Statement of Basis for the current permit. No reduced wasteload allocation was assigned to this permittee as a result of these TMDL assessments. To date, no updates have been made to these TMDLs since the issuance of the current permit.

X. Compliance History/DMR Review:

A. LDEQ records were reviewed for the period of December 2007 through December 2009. No enforcement actions were issued during this time period to any media.

B. A DMR review of the monitoring reports covering the monitoring period of September 2004 through December 2006 and April 2009 through June 2009 revealed that there were no effluent violations. The DMRs for the monitoring period of January 2007 through March 2009 and July 2009 through September 2009 could not be located in EDMS.

A compliance referral was forwarded to the Office of Environmental Compliance/Water Enforcement Division on January 12, 2010, for the permittee's failure to submit DMRs for the monitoring periods noted above.

C. The most recent inspection was conducted on May 3, 2007. There were no areas of concern noted in the inspection report.

XI. Endangered Species:

The receiving waterbody, Subsegment No. 060401 of the Vermilion-Teche Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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XII. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

XIII. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

XIV. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List